

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE LAND) RESOLUTION NO. 18-4938
USE FINAL ORDER ESTABLISHING THE)
SOUTHWEST CORRIDOR LIGHT RAIL ROUTE) Introduced by Councilor Craig Dirksen
AND OTHER PROJECT IMPROVEMENTS,)
INCLUDING THEIR LOCATIONS)

WHEREAS, Oregon Laws 2017, Chapter 714, effective August 15, 2017 (the “Act”) created a single process for establishing criteria, making decisions, and adopting a land use final order (“LUFO”) for the Southwest Corridor MAX Light Rail Project (the “Southwest Corridor Project”), which LUFO is necessary and desirable for the siting of the proposed light rail line and other Project Improvements (as defined in the Act);

WHEREAS, as required by Section 6 of the Act, on September 28, 2017, the Metro Council by Resolution No. 17-4843 established the Southwest Corridor LUFO Steering Committee, so that the committee could provide recommendations on the Southwest Corridor Project Improvements and their locations;

WHEREAS, the LUFO Steering Committee’s membership included a representative of each local government affected by the Southwest Corridor Project, as well as Metro, the Tri-County Metropolitan Transportation District of Oregon (“TriMet”), and the Oregon Department of Transportation (“ODOT”);

WHEREAS, on November 2, 2017, in accordance with Section 4 of the Act, and following a public hearing on September 22, 2017, the Land Conservation and Development Commission (“LCDC”) adopted Order No. 001887, *Criteria for a Land Use Final Order to be used by the Metro Council in Making Decisions on the Project Improvements for the Southwest Corridor MAX Light Rail Project*;

WHEREAS, on August 13, 2018, the Southwest Corridor LUFO Steering Committee approved its recommendation to TriMet for the siting of the Southwest Corridor Project light rail route and other Project Improvements and their locations, which committee recommendation is attached as Exhibit A;

WHEREAS, on October 11, 2018, in accordance with Section 6 of the Act, and following consideration of the recommendation from the Southwest Corridor LUFO Steering Committee, TriMet applied to the Metro Council for a LUFO approving the Southwest Corridor Project Improvements and their locations, which application of TriMet is attached as Exhibit B;

WHEREAS, TriMet’s proposed locations for the Southwest Corridor Project Improvements are in the form of boundaries within which the light rail route, stations, lots and maintenance facilities, and other Project Improvements would be located, as provided in Section 6(2)(b) of the Act;

WHEREAS, following receipt of TriMet’s application, public notice of this November 15, 2018, public hearing of the Metro Council to consider TriMet’s application was published [at least fourteen days] _____ days prior to this public hearing (on October ____, 2018), in The Oregonian, which the Metro Council finds to be a newspaper of general circulation within Metro’s jurisdictional area, and the notice stated the subject matter of the hearing and otherwise complied with the requirements of Section 5(a) of the Act;

WHEREAS, the Metro Council provided additional public notice of the November 15, 2018, public hearing by (a) posting information on its website regarding the Southwest Corridor Project, (b) posting information on the Metro Council portion of Metro's website; (c) posting information on social media, including Metro's Facebook and Twitter accounts; (d) posting a notice regarding the hearing in Metro's newsfeed, which is subscribed to by the news media and other interested parties, and appears on an additional section of Metro's website; (e) mailing postcards to all mailboxes within the boundaries for the Project Improvements described in TriMet's application; (f) mailing postcards to local jurisdictions within the Southwest Corridor; and (e) direct email notice to approximately 2,000 individuals that have signed up to receive project updates.

WHEREAS, the Staff Report for this hearing and the draft Statement of Findings of Fact and Conclusions of Law in Support of a Land Use Final Order set forth the criteria established by LCDC, provide a description of the proposed boundaries within which the Project Improvements will be located as applied for by TriMet, and address how the boundaries and the Project Improvements comply with the criteria;

WHEREAS, the Staff Report and the draft Statement of Findings of Fact and Conclusions of Law in Support of a Land Use Final Order were made available for public inspection at the Metro Regional Center commencing _____, 2018 [at least 7 days prior to the hearing];

WHEREAS, the Metro Council determines and finds that the above-described published notice required by the Act, together with the additional notice, are in its judgment, reasonably calculated to give notice to persons who may be substantially affected by its decision on TriMet's application for the LUFO;

WHEREAS on November 15, 2018, the Metro Council held a public hearing at which it accepted oral and written public testimony on TriMet's application for a LUFO, and at the public hearing, the Metro Council President and the Metro Attorney made statements to those in attendance that contained the information required by Section 6(7) of the Act;

WHEREAS, the Metro Council has considered TriMet's application, the recommendations of the LUFO Steering Committee, the staff report, and the oral and written testimony provided in support of and in opposition to TriMet's application; now therefore

BE IT RESOLVED that the Metro Council hereby:

- (1) Adopts the Land Use Final Order for the Southwest Corridor Project as applied for by TriMet, without change. The LUFO is attached to this Resolution 18-4938 as Exhibit C, and it establishes the Project Improvements for the Southwest Corridor Project, including their locations;
- (2) Adopts the Statement of Findings of Fact and Conclusions of Law in Support of a Land Use Final Order, attached as Exhibit D to this Resolution 18-4938, as its written findings of fact demonstrating how the Metro Council's decisions on the Project Improvements (including their locations) in its adopted Land Use Final Order applied LCDC's *Criteria for a Land Use Final Order to be used by the Metro Council in Making Decisions on the Project Improvements for the Southwest Corridor MAX Light Rail Project* and how its decisions complied with these criteria;

(3) States its intention to amend its plans to be consistent with this LUFO and to ensure its *Regional Transportation Plan* and related documents are consistent with the LUFO adopted by this Resolution 18-4938.

ADOPTED by the Metro Council this 15th day of November, 2018.

Tom Hughes, Council President

Approved as to Form:

Nathan A. S. Sykes, Acting Metro Attorney